

# **EXHIBIT B**

**From:** Shapland, Eric  
**To:** Don Haviland; Bill Platt; David Catherine; Meghan McCaffrey; Eric Lyttle; "Matthew Hamann"; Peggy Wedgworth; Anna Higgins  
**Cc:** Pfaffenroth, Sonia Kuester  
**Subject:** Rockford/MSP v, ESI -- Mallinckrodt's 3rd Party Production of Documents from 9/28/21-5/21/22 on Specific Topics  
**Date:** Tuesday, November 1, 2022 5:35:25 PM  
**Attachments:** image001.png  
Parker-O'Neill Privilege Log 11-1-2022.xlsx

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Parties to Rockford and MSP:

I write to provide you with access to a production that Mallinckrodt is making voluntarily as a third party to the above referenced cases. Mallinckrodt makes this production without any subpoena having been directed to it by a party to these matters and without a proposal from any party as to the responsiveness criteria, search terms or custodians to use. Lacking such input from the parties and desiring assist the Court in completing fact discovery promptly, Mallinckrodt acted on its own initiative to implement Judge Jensen's indication that some narrow discovery from Mallinckrodt as a third party may be appropriate on limited topics through May 21, 2022. Mallinckrodt understands, without any input for the parties to this action, those topics to be the rejection of the CuraScript distribution agreement, the negotiation of the FFF distribution agreement, competition from ANI, and the 2022 Acthar price increase.

Accordingly, for this production, we collected from Hugh O'Neill, who ran the Acthar business at the time, and Scott Parker, who negotiated with FFF over the new distribution agreement. We applied a date range of September 28, 2021 (the end of the adversary proceeding collection and production) and May 21, 2022 (the signing of the FFF agreement). We used search terms that the Court required ESI to use; eliminated terms that, when used by Mallinckrodt, would generate false positives (e.g., Mallinckrodt or Acthar are fine for ESI to use, but not for Mallinckrodt); and added a few search terms that would be appropriate when ESI is not the source of the discovery (e.g. ESI). The list of search terms is below. We applied the following responsiveness criteria: (a) the rejection of the CuraScript agreement, (b) negotiation of the FFF agreement, (c) Acthar competition, or (d) Acthar pricing. Our responsiveness criteria also contains the following exclusion: communications directly related to the Acthar trial or other bankruptcy matters that are unrelated to the rejection of the CuraScript agreement or acceptance of the FFF agreement.

Mallinckrodt makes this production available subject to the protections for confidential information provided for in the protective orders in these cases.

The production is available at the following location:

Weblink: <https://sftp.greensfelder.com/>

Host: sftp.greensfelder.com

U/N: CuraScript\_PROD

Port: 22

File name: 20221101\_PROD1.zip

The production bears the following Bates range: MNK06669935 - MNK06697191.

The search terms used to identify potentially responsive documents from the custodial collections are:

("average wholesale price" OR AWP) w/10 spread  
(pric\* w/5 acth\*) w/50 (agree\* OR contract\*)  
("wholesale acquisition cost" OR WAC) w/10 spread\*  
Aksar  
"ANI Pharma"  
"ANI Pharmaceuticals"  
Novartis w/10 license  
"orphan drug strategy"  
pric\* w/10 suit\*  
Rockford  
Synacthen  
"wholesale product purchase"  
"FFF"  
CuraScript  
"CS"  
"ESI"  
"Express Scripts"  
ExpressScripts

Regards,  
Eric Shapland

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Eric Shapland  
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